

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.42956 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- MATIHANI District- Begusarai

1. Rakesh Mahto @ Rakesh Kumar S/O Saryug Mahto R/O Village- Khavidi, Naya Tola, P.S-Matihani, Distt.- Begusarai (Bihar).
2. Naresh Mahto S/O Saryug Mahto R/O Village- Khavidi, Naya Tola, P.S-Matihani, Distt.- Begusarai (Bihar). Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Adv
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP
For the Respondent : Mr. Shubhesh Pandey, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Matihani P.S. Case No.44/2026 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2), 117(2) and 3(5) of the BNS.

3. The allegation against petitioners is to assault informant and others by using *lathi*, rod etc. causing head and bodily injuries, where injury as caused by petitioner was alleged to made with an intention to cause death of injured persons, where occurrence arises out of land dispute.

4. It is submitted by learned counsel appearing on behalf of the petitioners that present occurrence appears free fight in nature, where both parties received injuries, therefore, it cannot be said safely that petitioners were not under intention to cause death of the injured/informant. It is also submitted that for the same set of occurrence petitioner's side also lodged a case, which has been registered as Matihani P.S. Case No. 43 of 2026. It is conceded that injuries are grievous in nature, but merely on said ground it cannot be said that petitioners were under intention to cause death as there are



several factors required to make out a prima-facie case under Section 109(1) of the BNSS like, nature of weapons, manner of assault, pre and post conduct of accused during the occurrence etc. In support of his submission learned counsel relied upon the legal report of Hon’ble Supreme Court as available through **State of Himachal Pradesh Vs. Shamsher Singh, [2025 SCC OnLine 807]**. While concluding argument, it is submitted that petitioner no. 1 claimed clean antecedent and petitioner no. 2 found involved in one more case, where he is on bail.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that petitioner during the occurrence made repeated assaults upon informant/injured causing multiple grievous injuries upon vital part of the body as it appears from the impugned order itself, which is sufficient to suggest that petitioners were “*under intention to cause death*” of the informant/injured.

6. In view of aforesaid factual submission and by taking note of fact as petitioners specifically alleged to cause multiple grievous injuries on the vital part of the body of informant during the occurrence, accordingly prayer of anticipatory bail of petitioners stands rejected.

(Chandra Shekhar Jha, J)

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